THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.19925 of 2004

Dated: 11.10.2007

Between:

T.Chandrasekhar .. Petitioner

And

A.P.TRANSCO, rep. by its Chairman & Managing Director
Vidyut Soudha, Hyderabad
and others.

.. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.19925 of 2004

ORDER:

The petitioner approached this Court and filed the present writ petition for a Writ of Certiorari calling for the records relating to provisional Assessment Notice in Case No.HDN/D17/00298/DP2/04, dated 20.10.2004, issued by the 2nd respondent, as well as the proceeding dated 10.10.2004 issued by the 3rd respondent, and to quash both the proceedings as being illegal, arbitrary, violative of Article 14 of the Constitution of India and contrary to the provisions of the Electricity Act and the Rules made thereunder, including the terms and conditions of supply of energy and consequently stay all further proceedings including the recovery of the amount and arrest of the petitioner in terms of the proceeding dated 10.10.2004, and to pass such suitable other order or orders.

2. The brief facts are that the petitioner is the owner of a building bearing No.6-5-535 situated at New Boiguda, Secunderabad, and the said building is having four service connections and there are tenants in the said property. As the property was purchased by his late grandfather, the service connections continued to be in the name of his late grandfather. It appears that the respondents' authorities visited the premises on 04.10.2004 and inspected the service connection No.K-900, which is in the service category LTI domestic and provisional assessment notice was given on 08.10.2004 in the name of his late

grandfather. As per the said provisional assessment notice, when the meter glass was pressed by the authorities, gap has been created between meter cover and glass and by virtue of the same, rotation of the disk got stopped and therefore, it is concluded that there has been theft of energy. Subsequently, another provisional assessment notice was served on 20.10.2004. Apprehending disconnection, the petitioner approached this Court and filed the present writ petition.

3. This Court, while issuing *Rule nisi* on 29.10.2004, was pleased to direct the respondents not to disconnect the service connection in question.

4. Though counter has not been filed on behalf of the respondents, Sri V.Ajay Kumar, the learned Standing Counsel for APSEB, brought to my notice that subsequently a final assessment order was passed, and accordingly, a notice was also issued on 05.11.2004.

5. In the light of the said final assessment order, this Court is of the view that this writ petition deserves no consideration, as the provisional assessment notice dated 20.10.2004 merged with the final assessment notice/order.

6. Accordingly, this writ petition is dismissed. No costs.

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(GOPALA KRISHNA TAMADA,J)

Dt.11.10.2007

v v